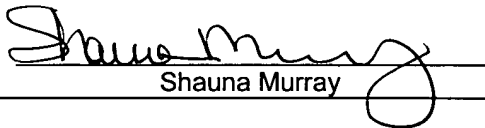




1615  
JFm

**CERTIFICATE OF MAILING**

I hereby certify that on 5/17/2004, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage to in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Shauna Murray

**PATENT**

Inventor: Fitzhugh et al  
Serial No.: 09/865,242  
Filing Date: 05/10/2000  
Title: NITRIC OXIDE-RELEASING  
METALLIC MEDICAL  
DEVICES  
Examiner: Fubara  
Group Art Unit: 1615  
Atty Docket No.: PA397 (14364-0038)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.56, Applicants submit herewith patents, publications or other information of which they are aware that may be considered in connection with the above-referenced patent application. Submission of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "material" to applicants' invention as that term is currently defined in 37 CFR § 1.56 (37 CFR § 1.97(h)).

In accordance with 37 CFR § 1.97(g), the filing of this Information disclosure Statement shall not be construed to mean that a search has been made or that no other relevant information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any matter. Notice of January 9, 1992, 1135 O.G. 13-25 at 25.

Applicant: Fitzhugh et al.  
Serial No.: 09/865,242  
Group Art Unit: 1615

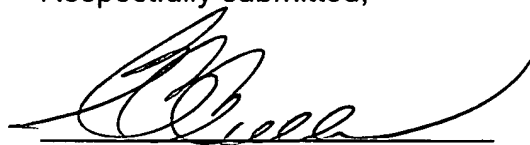
PATENT  
Docket No. PA397 (14364-0038)

A Patent and Trademark Office Form PTO/SB/08A listing each of these informational items is enclosed along with a copy of each item.

This Information Disclosure Statement is being filed before the issuance of the first Office Action. The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account No. 50-1329.

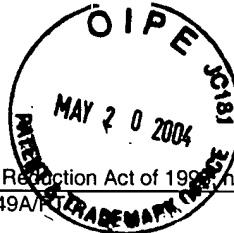
Respectfully submitted,

Dated: 5/16/04



Louis C. Cullman  
Registration No. 39,645

STRADDLING YOCCA CARLSON AND RAUTH  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660  
Telephone: (949) 725-4000  
Facsimile: (949) 725-4100  
Customer Number: 31,278



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	1	of	1	Application Number	09/865,242
				Filing Date	05/25/2001
				First Named Inventor	Fitzhugh et al.
				Group Art Unit	1615
				Examiner Name	Fubara
				Attorney Docket Number	14364-0038

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US - 5,171,217	12-15-1992	March et al.	
	2	US - 5,837,313	11-17-1998	Ding et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	0030658	A1	Smith et al.	06-02-2000		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Bauer et al.; Evaluation of Linear Polyethyleneimine/nitric Oxide Adduct on Wound Repair: Therapy versus Toxicity; Wound Repair & Regeneration, November/December 1998, pp. 569/577	
		Hanson et al.; Nitric Oxide Donors: A Continuing Opportunity in Drug Design; Advances in Pharmacology, Vol 34, pp. 383/398	
		Jordi; Jordi Gel Columns for Size Exclusion Chromatography; Column Handbook for Size Exclusion Chromatography; 1999, pp.367/425	
		Downey et al.; Growth Mechanism of Poly(divinylbenzene) Microspheres in Precipitation Polymerization; American Chemical Society, Easton, US, Vol. 32, No. 4, 4 May 1999; pgs 2838-2844	
		Pulfer et al.; Incorporation of Nitric Oxide-Releasing Crosslinked Polyethyleneimine Microspheres Into Vascular Grafts; Journal of Biomedical Materials Research; Wiley, New York, NY, Vol. 37, No. 2, November 1997 (1997-11); pp/ 182-189	
		Zhang et al.; Synthesis of Nitric Oxide Releasing Silicone Rubbers for Biomedical Applications; Polymer Preprints; Vol. 40, No. 2, 1999, pgs 799-800	
		Kaul et al.; Polymeric/Based Perivascular Delivery of a Nitric Oxide Donor Inhibits Intimal Thicening After Balloon Denudation Arterial Injury: Role of Nuclear Factor/kappaB; Journal of the American College of Cardiology, Vol. 35, No. 2, 2000:493/501	
		Mowery et al.; Preparation and Characterization of Hydrophobic Polymeric Films That Are Thromboresistant Via Nitric Oxide Release; Biomaterials 21 (2000) 9/21	
		Smith et al.; Nitric Oxide/Releasing Polymers Containing the [N(O)NO] Group; J.Med.Chem. 1996, 39, 1148/1156	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.4. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2.0 hours to complete, including gathering, preparing, and submitting the completed application or to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, US Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.